REMARKS

Claims 1, 11, 25, 34, 41, and 55 are currently amended. Claims 1-3, 5-13, 15-37, and 39-57 remain in the application for consideration. In view of the following remarks, Applicant respectfully requests withdrawal of the rejections and forwarding of the application on to issuance.

§ 103 Rejections

Claims 1-30 and 32-57 stand rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 6,177,931 to Alexander et al. (hereinafter "Alexander") in view of U.S. Patent No. 6,088,722 to Herz et al (hereinafter "Herz").

Claim 31 stands rejected under 35 U.S.C. § 103(a) as being obvious over Alexander in view of Herz, and further in view of U.S. Patent No. 5,561,457 to Cragun et al. (hereinafter "Cragun").

Before discussing the substance of the Office's rejections, the following discussion of Applicant's disclosure as well as the references to Alexander, Herz, and Cragun is provided in an attempt to assist the Office in appreciating the patentable distinctions between Applicant's claimed subject matter and the cited references.

Applicant's Disclosure

Applicant's disclosure describes various viewing management methods and systems for managing viewing of multiple live electronic presentations. In one described embodiment, viewers are given an opportunity to register their preferences for viewing certain ***events*** that can

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occur within a plurality of different electronic presentations. The selected electronic presentations are simultaneously monitored, during their broadcast, while a viewer might be watching only one of the electronic presentations. When one or more of the viewer-defined ***events*** is detected, the viewer is notified that the event is taking place.

Applicant's disclosure instructs, starting on page 8, line 17, that in one embodiment, each viewer is given an opportunity to register with an encoder/server 14 (Fig. 1) for notifications concerning multiple live electronic broadcasts. Registration takes place in the form of a viewer request that is formulated by the viewer and passed on to the encoder/server.

Once the viewer requests are received by the encoder/server 14, it creates entries in a database 18 that it manages. Each of the entries corresponds to a particular viewer's choices. As the sources 16 broadcast their particular presentations, ***events are triggered*** and sent by the sources to the encoder/server 14. ***These triggered events describe some current aspect of the electronic presentation.*** For example, if Tiger Woods is getting ready to tee off on the 16th hole, the ***event*** that might be triggered by the source and sent to the encoder/server 14 might be "Woods tee off on 16th". Once the encoder/server receives the triggered ***event***, it conducts a search of the database 18 to identify all of the viewers that have registered for notification. Once the viewers are identified, individual notifications are sent from the encoder/server 14 to the client viewing devices 12.

Consider now an exemplary database that facilitates searching and notification of viewers. Specifically, Fig. 6 of Applicant's disclosure

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illustrates entries in an exemplary live content database, such as database 30 (Fig. 4) generally at 210. The live content database 210 maintains current, up-to-the-minute information on electronic presentations that are about to be or are being broadcast by various sources. The live content information that is managed in this database can come from, or be associated with many sources that are monitored by the server 14. In the illustrated example, three fields are provided, i.e. a presentation field 212, a topic field 214, and an events field 216.

The presentation field 212 includes the name or title of the current electronic presentation or program that is being broadcast by a source. In the illustrated example, there are a number of different presentations or programs that are being monitored. As these programs are being broadcast, information is regularly received by the server 14 or encoder. ***This information can describe what is taking place during the broadcast.*** This information is used to continuously update the database so that viewer notifications can be sent in a timely manner.

The topic field 214 identifies the various topics that are currently being presented for the various programs. These topics can, but need not necessarily change during a particular program. In the illustrated example, weather is currently being presented on CNN. Similarly, gorillas are currently being discussed on National Geographic Explorer.

The events field 216 identifies the current ***events*** that are being presented on the various programs. For example, the Hurricane Buster is the current event within the weather topic on CNN. Similarly, on Monday

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Night Football, it is currently 2nd down and the Steelers have the ball on their 40 yard line.

The data or information in the topic field 214 and the events field 216 can be generated manually or automatically. Manual generation refers to an individual (e.g., a presentation author) creating the data. For example, the author may write a summary or a list of key words for the presentation and provide them to server 14 (either directly or via an encoder 26).

Automatic generation refers to one of the components, such as an encoder 26 or server 14, using any of a variety of mechanisms to generate data describing the presentation as the presentation occurs.

Notice that the data or information that appears in the topic and events fields 214, 216 does not comprise the *actual content* that can be presented to a viewer. Rather, it comprises data that *describes* content that is currently being broadcast.

The Alexander Reference

Alexander discloses electronic program guide (EPG) methods and systems that enable viewer interaction capabilities with the EPG. It appears that much of the processing that takes place to identify programs of interest for particular viewers concerns the programs' ***titles***. These program titles typically comprise content that is presented to the viewer.

For example, under the heading "Watch Scheduling Function" (column 8, starting at line 5), Alexander instructs as follows. In the Watch Scheduling Function, also referred to as the Watch Function, the viewer

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instructs the EPG what programs to add to the Watch List, which is the *list of programs* and related programming schedule information, for programs that the viewer want to watch.

Alexander further instructs in column 9, starting at line 65 that the EPG provides the viewer with the opportunity to select ***program titles***, scheduled for delivery at future times, to watch. By **selecting *program titles***, the viewer builds a "watch list."

In addition, as the Office notes, Alexander describes developing viewer profile information. See, e.g. column 28, starting at line 12. The viewer profile information is used to customize various aspects of the EPG. For example, in column 30, starting at around line 45, Alexander instructs that viewer profile information can be used to present, via the EPG, the user's favorite channels or to tune the television to a particular channel during a time period when the user typically views that channel. Alexander further goes on to describe how the viewer profile information can be used in connection displaying particular types of advertisements for the user. See, e.g. column 31, lines 9-24.

The Herz Reference

Herz relates to a system and method for making available the video programming and other data most desired by the customer by developing an "agreement matrix" characterizing the attractiveness of each available source of video programming or data to each customer. From the agreement matrix, one or more "***virtual channels***" of data, customized to each customer, are determined. At any given time, the one or more virtual

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channels include the video programming or other data which is predicted to be most desirable to the customer based on the customer's preferences. The virtual channels are determined by selecting from the available alternatives only those video programs or other data which most closely match the customer's objective preferences.

The Cragun Reference

Cragun describes a television presentation and editing system that uses closed captioning text to locate items of interest. Cragun instructs that a closed captioning decoder extracts a closed captioning digital text stream from a television signal. A viewer specifies one or more keywords to be used as search parameters and a digital processor executing a control program scans the closed captioning digital text stream for words or phrases matching the search parameters. The corresponding segment of the television broadcast may then be displayed, edited or saved.

Cragun instructs that the closed captioning information is typically a simplified version of the spoken words being transmitted by the audio portion of the video signal. See, e.g. column 2, lines 26-37. Closed captioning information is typically scrolled or presented to the viewer across the bottom of a television.

The Claims

Claim 1 recites a viewing management method for managing viewing of multiple live electronic presentations, comprising [added language appears in the bold italics]:

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- simultaneously monitoring two or more electronic presentations that are concurrently broadcast, wherein said monitoring comprises monitoring data that does not comprise content that can be presented to a viewer; and
- automatically switching between displays of the two or more electronic presentations based upon viewer-defined preferences, ***wherein the viewer-defined preferences are defined in terms of events that can occur within electronic presentations.***

Claim 1 has been amended to include the subject matter of claim 4 which has been canceled. The amended language clarifies that viewer-defined preferences are defined in terms of ***events*** that can occur within electronic presentations.

In making out a rejection of claim 4, the subject matter of which is now included in claim 1, the Office cites Herz as disclosing viewer defined preferences that include attributes such as degree of sex, violence, and profanity (citing to column 11, lines 65-66). The Office then argues that this reads on the claimed preferences being defined in terms of events that can occur within electronic presentations.

The Applicant respectfully submits that an attribute as disclosed in Herz is not the same thing as an event as disclosed in the claimed subject matter. The Applicant's disclosure, as noted above, indicates that an ***event*** is some ***current aspect of the electronic presentation***. For example, if Tiger Woods is getting ready to tee off on the 16th hole, the ***event*** that might be triggered by the source and sent to the encoder/server 14 might be "Woods tee off on 16th". Herz does not teach or in any way suggest the

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use of viewer-defined preferences defined in terms of events that can occur within electronic presentations.

Hence, for at least this reason the Office has failed to establish a *prima facie* case of obviousness. To this extent, Alexander adds nothing of significance.

Accordingly, for at least this reason, this claim is allowable.

Claims 2-3, and 5-10 depend from claim 1 and are allowable as depending from an allowable base claim. These claims are also allowable for their own recited features which, in combination with those recited in claim 1, are neither disclosed nor suggested in the references cited and applied by the Office.

Claim 11 recites a viewing management method for managing viewing of multiple live electronic presentations, comprising [added language appears in the bold italics]:

- simultaneously monitoring two or more electronic presentations that are concurrently broadcast, wherein said monitoring comprises monitoring data that does not comprise content that can be presented to a viewer; and
- automatically notifying a viewer when one or more of the electronic presentations satisfies a viewer-defined preference, ***wherein viewer-defined preferences can be defined in terms of events that can occur within electronic presentations.***

Claim 11 has been amended to include subject matter similar to that formerly appearing in claim 14 which has been canceled. The amended

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language clarifies that viewer-defined preferences can be defined in terms of ***events*** that can occur within electronic presentations.

In making out a rejection of claim 14, the Office relies on Alexander and Herz in much the same way as discussed above regarding claim 1. For the reasons set forth above that pertain to the Office's failure to establish a *prima facie* case of obviousness, this claim is allowable.

Claims 12-13, and 15-19 depend from claim 11 and are allowable as depending from an allowable base claim. These claims are also allowable for their own recited features which, in combination with those recited in claim 11, are neither disclosed nor suggested in the references cited and applied by the Office.

Claim 20 recites one or more programmable computers having instructions which, when executed by the one or more computers implement a viewing management method for managing viewing of multiple live electronic presentations comprising [emphasis added]:

- sending at least one viewer request to an encoder, the viewer request containing one or more ***viewer-defined preferences that relate to one or more events that can occur in one or more electronic presentations;***
- evaluating, with the encoder, one or more electronic presentations that are being broadcast to determine whether any of the viewer-defined preferences are satisfied, wherein said evaluating comprises at least monitoring data that does not comprise content that can be presented to a viewer; and
- if a viewer-defined preference is satisfied by one or more of the electronic presentations, notifying a viewer that is associated with the viewer-defined preference that was satisfied.

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In making out a rejection of claim 20 the Office cites Alexander as disclosing a viewer profile analysis program running at the head end (citing column 29, lines 14-34) that collects user preference data in the form of programming consumed (citing column 29, lines 37-55). Further, the Office states that this "Profile Program" updates data on an ongoing basis (citing column 29, lines 22-24). The Office then argues that this reads on the claimed sending of at least one viewer request to an encoder (Profile Program), the viewer request containing one or more viewer defined preferences (programs watched, favorite genres, etc) that relate to one or more ***events*** that can occur in one or more electronic presentation (content of the television programming).

The excerpts cited by the Office in no way disclose or suggest the use of events as disclosed in the claimed subject matter. The excerpt cited by the Office discloses monitoring the "particular type of theme (e.g., comedy, sports, drama, movie, sitcom, science fiction, adventure, mystery, documentary, cooking, travel, etc.) . . . [or] particular type of subject (i.e., golf, tennis, football, basketball, baseball, animals, food, etc,) or a particular actor or actress." (citing Alexander column 29, lines 43-50).

The Applicant respectfully submits that a particular theme, subject, or actor as disclosed in Alexander is not the same thing as an event as disclosed in the claimed subject matter. The Applicant's disclosure, as noted above, indicates that an ***event*** is some ***current aspect of the electronic presentation***. For example, if Tiger Woods is getting ready to tee off on the 16th hole, the ***event*** that might be triggered by the source and sent to the encoder/server 14 might be "Woods tee off on 16th". Alexander

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does not teach or in any way suggest the use of viewer-defined preferences defined in terms of events that can occur within electronic presentations.

Additionally, as discussed in claim 1, an attribute as disclosed in Herz is not the same thing as an event as disclosed in the claimed subject matter.

Accordingly, Applicant respectfully submits that the Office's stated motivation as well as its line of reasoning do not make out a *prima facie* case of obviousness. Accordingly, for at least these reasons, this claim is allowable.

Claims 21-24 depend from claim 20 and are allowable as depending from an allowable base claim. These claims are also allowable for their own recited features which, in combination with those recited in claim 20, are neither disclosed nor suggested in the references cited and applied by the Office.

Claim 25 recites a viewing management method for managing viewing of multiple live electronic presentations, comprising [added language appears in the bold italics]:

- receiving one or more viewer requests from one or more viewers, the viewer requests containing viewer-defined preferences that are to be used to evaluate a plurality of different live electronic presentations;
- evaluating a plurality of live electronic presentations using the viewer-defined preferences, ***wherein the viewer-defined preferences are defined in terms of events that can occur within electronic presentations, and*** wherein said evaluating comprises at least monitoring data that does not comprise content that can be presented to a viewer; and
- in the event that one or more of the viewer-defined preferences is satisfied, notifying at least one viewer that is

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associated with the viewer-defined preference that is satisfied.

Claim 25 has been amended. The amended language clarifies that viewer-defined preferences are defined in terms of ***events*** that can occur within electronic presentations.

In making out a rejection of claim 25, the Office relies on Alexander and Herz in much the same way as discussed above regarding claim 1. For the reasons set forth above that pertain to the Office's failure to establish a *prima facie* case of obviousness, this claim is allowable.

Claims 26-33 depend from claim 25 and are allowable as depending from an allowable base claim. These claims are also allowable for their own recited features which, in combination with those recited in claim 25, are neither disclosed nor suggested in the references cited and applied by the Office

Claim 34 recites a viewing management method for managing viewing of multiple live electronic presentations, comprising [added language appears in bold italics]:

- creating a viewer request that contains one or more viewer-defined preferences for use in evaluating one or more live electronic presentations;
- sending the viewer request to one or more computing devices; and
- evaluating one or more electronic presentations with the one or more computing devices in light of the one or more viewer-defined preferences, ***wherein the viewer-defined preferences can be defined in terms of events that can occur within electronic presentations, and*** wherein said evaluating comprises at least monitoring data that does not comprise content that can be presented to a viewer.

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Claim 34 has been amended to include the subject matter of claim 38 which has been canceled. The amended language clarifies that viewer-defined preferences are defined in terms of ***events*** that can occur within electronic presentations.

In making out a rejection of claim 38, similar subject matter of which is now included in claim 34, the Office relies on Alexander and Herz in much the same way as discussed above regarding claim 1. For the reasons set forth above that pertain to the Office's failure to establish a *prima facie* case of obviousness, this claim is allowable.

Claims 35-37 and 39-40 depend from claim 34 and are allowable as depending from an allowable base claim. These claims are also allowable for their own recited features which, in combination with those recited in claim 34, are neither disclosed nor suggested in the references cited and applied by the Office.

Claim 41 recites an interactive network comprising [added language appears in the bold italics]:

- one or more client viewing devices; and
- one or more computing devices communicatively linked with the one or more client viewing devices, the computing devices being programmed to:
  - simultaneously monitor one or more electronic presentations that are concurrently broadcast by at least monitoring data that does not comprise content that can be presented to a viewer; and
  - automatically send a notification to one or more of the client viewing devices when one or more of the electronic presentations satisfies one or more viewer-defined preference that is defined by a viewer of the

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one or more client viewing devices, ***wherein the viewer-defined preferences are defined in terms of events that can occur within electronic presentations***.

Claim 41 has been amended to clarify that viewer-defined preferences are defined in terms of ***events*** that can occur within electronic presentations.

For the reasons set forth in claim 1 that pertain to the Office's failure to establish a *prima facie* case of obviousness, this claim is allowable.

Claims 42 and 43 depend from claim 41 and are allowable as depending from an allowable base claim. These claims are also allowable for their own recited features which, in combination with those recited in claim 41, are neither disclosed nor suggested in the references cited and applied by the Office.

Claim 44 recites a viewing management method for managing viewing of multiple live electronic presentations, comprising [emphasis added]:

- monitoring viewing habits of one or more viewers of live electronic presentations to determine particular ***events*** within the electronic presentations that the viewers are likely to want to view;
- ascertaining from data that does not comprise content that can be presented to a viewer, whether said one or more viewers would likely want to view a particular ***event***; and
- notifying one or more viewers when it appears that an ***event*** is occurring within an electronic presentation that the viewer is not viewing but would likely want to view.

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In making out a rejection of claim 44 the Office relies on Alexander in much the same way as discussed above regarding claim 20. For the reasons set forth above in claim 20 that pertain to the Office's failure to establish a *prima facie* case of obviousness, this claim is allowable.

Claims 45-51 depend from claim 44 and are allowable as depending from an allowable base claim. These claims are also allowable for their own recited features which, in combination with those recited in claim 44, are neither disclosed nor suggested in the references cited and applied by the Office.

Claim 52 recites an interactive network comprising [emphasis added]:

- one or more client viewing devices; and
- one or more computing devices communicatively linked with the one or more client viewing devices, the computing devices being programmed to:
  - monitor viewing habits of one or more viewers of live electronic presentations to determine particular ***events*** within the electronic presentations that the viewers are likely to want to view;
  - ascertain from data that does not comprise content that can be presented to a viewer, whether said one or more viewers would likely want to view a particular ***event***; and
- notify one or more viewers when it appears that an ***event*** is occurring within an electronic presentation that the viewer is not viewing but would likely want to view.

In making out a rejection of claim 52 the Office relies on Alexander in much the same way as discussed above regarding claim 20. For the

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reasons set forth above in claim 20 that pertain to the Office's failure to establish a *prima facie* case of obviousness, this claim is allowable.

Claims 53 and 54 depend from claim 52 and are allowable as depending from an allowable base claim. These claims are also allowable for their own recited features which, in combination with those recited in claim 52, are neither disclosed nor suggested in the references cited and applied by the Office.

Claim 55 recites a user interface for use in an interactive entertainment system comprising [added language appears in the bold italics]:

- a processor;
- an application executing on the processor and configured to present plurality of fields, one of which displaying a number of titles of programs that can be selected by a viewer, another of which displaying indicia that can be selected to define viewer preferences for simultaneously monitoring two or more of the programs that are selected by the viewer, wherein said monitoring comprises monitoring at least data that does not comprise content that can be presented to the viewer, ***and which comprises events that can occur within said two or more programs***; and
- an input device operable to enable a user to select a particular electronic presentation for continuous play viewing.

Claim 55 has been amended to clarify that viewer-defined preferences are defined in terms of ***events*** that can occur within said two or more programs.

For the reasons already set forth, this claim is allowable.

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Claims 56 and 57 depend from claim 55 and are allowable as depending from an allowable base claim. These claims are also allowable for their own recited features which, in combination with those recited in claim 55, are neither disclosed nor suggested in the references cited and applied by the Office.

Conclusion

All of the claims are in condition for allowance. Accordingly, Applicant requests a Notice of Allowability be issued forthwith. If the Office's next anticipated action is to be anything other than issuance of a Notice of Allowability, Applicant respectfully requests a telephone call for the purpose of scheduling an interview.

Respectfully submitted,

Dated: 7/21/05

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